IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

Civil Writ Petition No. 3108 of 2005
Date of decision : 30th October, 2006

Saroj Devi ...Petitioner

Versus

State of Haryana and Ors. .....Respondents

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. S. M. Sharma, Advocate
for the petitioner

Mr.R.S.Kundu, Addl. A.G., Haryana

Mr. Raman Gaur, Advocate
for HUDA

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ASHUTOSH MOHUNTA, J. (Oral)

The petitioner has prayed for quashing of notifications dated 29.11.2001 and 28.11.2002, issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (herein-after referred to as 'the Act') as well as notice under Section 9 of the Act.

Learned counsel for the petitioner contends that the petitioner had purchased a small plot, measuring 450 sq. yards out of khasra no. 39/10, 40/6 from one Mange Ram, vide registered sale deed dated 18.04.1996, as is evident from the copy of sale deed annexed with this petition as Annexure P-1 and thereafter, she had constructed her residential house. The petitioner has prayed her house be exempted from acquisition. Petitioner has also contended that proper publication of notifications issued under Sections 4 and 6 of the Act, has not been done. It is further contended that the provisions of Section 5-A of the Act, have not been complied with.

Reply has been filed by respondents No. 2 and 4.

After hearing the learned counsel for the parties, we are of the considered opinion that as the substance of notification issued under Section 4 of the Act, was duly published in the two daily newspapers i.e. 'National Herald' (English) dated 07.12.2001 and the 'Dainik Bhaskar'(Hindi) dated 04.12.2001 and, therefore, there is complete compliance of the provisions of Section 4 of the Act. As far as the substance of notification issued under Section 6 of the Act is concerned, the same was also published in two daily newspapers i.e. 'The Hari Bhoomi ' (Hindi) and the 'The Hindu' (English) and, therefore, there is no infirmity in the issuance of notification under Section 6 of the Act also.

In a similar *Civil Writ Petition No. 3066 of 2005*, wherein the validity of the very same notifications, issued under Section 4 and 6 of the Act have been challenged, it was held that the publication of aforesaid notifications was made in accordance with law.

Learned State counsel contends that as the writ petition has been filed after the announcement of the award on 24.11.2004, that is prior to the filing of the writ petition and, hence, the same is not maintainable.

The contention of the petitioner that as the petitioner had constructed her house and, as such, she is entitled to have her house released, deserves to be rejected because the Department of Town and Country Planning, Haryana vide notification No. 10 DP-81/14221 dated 01.09.1981 declared the area around HSIDC, Kundli as controlled area under Section 4(1)(b) of the Punjab Scheduled Roads and Controlled Areas Restrictions of Unregulated Development Act, 1963. The land of the petitioner falls within the aforementioned controlled area. As per the published final development plan, the land of the petitioner falls in Sector 58, Sonepat. Apart from above, even the award has also been announced on 24.11.2004.

In the case of ' *Niranjan Singh and another Vs. State of Punjab and Another'*, **AIR 1986 Punjab and Haryana 202(Full Bench)**, it has been held that:-

> *"2..... Once the Collector makes his award under Section 11 of the Act and takes possession of the land, two*

> *consequences follows, i.e. (i) the acquired land absolutely vests in the government, and (ii) such vesting is free from all encumbrances. In other words, with the taking of the possession by the Government, the title of the land acquired completely passed to the State."*

The aforesaid view has been reiterated by a Division Bench of this Court in the case of *M/s Convertaid Engineers Pvt. Ltd.,* **2003(1)RCR (Civil 427 (P&H).** Both these judgments have been followed by a Division Bench of this Court in *'Ashok Kumar and Others Versus State of Haryana and Ors.',* ***2004(2) RCR (Civil) 443.*** We are of the considered opinion that the aforesaid observations are fully applicable in the facts and circumstances of the present case.

In view of the above, we find no merit in the writ petition and the same is accordingly dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

October 30, 2006
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